

## IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A non-aqueous electrolyte cell comprising:

a positive electrode ~~containing~~ comprising a lithium-transition metal compound oxide as a positive electrode active material, said positive electrode comprising a material resulting from a mixture of manganese starting material,  $\gamma$ -MnO<sub>2</sub>, a lithium starting material, Li<sub>2</sub>CO<sub>3</sub>, and an aluminum starting material Al(OH)<sub>3</sub> to form a powder mixture heated in air at a temperature rising rate of 10°C/min to 1000°C;

a negative electrode containing a carbon compound or metal lithium as a negative electrode active material; and

a non-aqueous electrolyte interposed between said positive and negative electrodes; wherein

said lithium-transition metal compound oxide is represented by the general formula Li<sub>x</sub>Mn<sub>1-y</sub>Al<sub>y</sub>O<sub>2</sub> where  $0.94 \leq x \leq 0.96$  and  $0.06 \leq y \leq 0.25$ ;

wherein said electrolyte

is dissolved in a non-aqueous solvent and exists as a non-aqueous electrolyte and

is selected from the group consisting of LiClO<sub>4</sub>, LiAsF<sub>6</sub>, LiPF<sub>6</sub>, LiBF<sub>4</sub>, LiB(C<sub>6</sub>H<sub>5</sub>)<sub>4</sub>, CH<sub>3</sub>SO<sub>3</sub>Li, CF<sub>3</sub>SO<sub>3</sub>Li, LiCl and LiBr; and

wherein said solvent is selected from the group consisting of propylene carbonate, ethylene carbonate, dimethyl carbonate, 1,2-dimethoxyethane, 1,2-diethoxyethane,  $\gamma$ -butyrolactone, 2-methyl tetrahydrofuran, 1, 3-dioxolane, 4-methyl-1, 3-dioxolan, 4-methyl-1, 3-dioxolan, diethyl ether, sulforane, methyl supforane, acetonitrile, propionitrile, anisole, acetic acid ester, lactic acid ester and propionic acid ester.

2. (Original) The non-aqueous electrolyte cell according to claim 1 wherein the lithium-transition metal compound oxide, represented by the general formula  $\text{Li}_x\text{Mn}_{1-y}\text{Al}_y\text{O}_2$ , has a crystalline structure as represented by the spatial group C2/m.

Claims 3-5 (Cancelled)